

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMILY YATES,

Plaintiff(s),

v.

NORTHWEST BARRICADE & SIGNS, et
al.,

Defendant(s).

CASE NO. C22-1518-KKE

ORDER ON JOINT STATUS REPORT

This matter comes before the Court on the parties' joint status report. Dkt. No. 75.

After the status conference on April 15, 2024, the Court ordered the reopening of discovery "for the limited purpose of identifying and producing any relevant text messages and/or notes."¹ Dkt. No. 72. According to the parties' joint status report and the declarations attached thereto, Defendants undertook additional efforts to locate any potentially relevant text messages and notes but did not locate any. Dkt. No. 75 at 2. Plaintiff suggests that she may seek to inspect the phone or cloud-based storage in order to verify Defendants' report that no responsive text messages exist, or that she may elect to file a motion for spoliation in the future. However, Plaintiff has given the Court no reason to doubt the accuracy of Defendants' representations that all responsive texts and

¹ Although Plaintiff's part of the joint status report accuses Defendants of failing to produce "all the relevant emails" (Dkt. No. 75 at 2), emails were not referenced in the Court's order authorizing a limited reopening of discovery. See Dkt. No. 72.

1 notes have been produced. *See id.* at 2. Thus, while Plaintiff is not precluded from filing a motion,
2 the Court finds no basis to stay resolution of the fully briefed pending motions on this basis, as
3 Plaintiff requests. *Id.* at 3.

4 The Court also notes that although the parties were instructed to email the courtroom
5 deputy to discuss a mutually agreeable trial date (Dkt. No. 72), the parties instead filed separate
6 notices of unavailability setting out their conflicts between August 2024 and August 2025. *See*
7 Dkt. Nos. 74, 76. At this time, the Court will turn to adjudication of the pending motions and will
8 revisit case scheduling as necessary after the pending motions have been resolved.

9 Dated this 10th day of May, 2024.

10 

11 _____
12 Kimberly K. Evanson
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24